

Exhibit A

Motion to Stay Proceedings

Affidavit of Donald J. Rafferty with attachment

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
FOR THE OAKLAND DIVISION

HARDWARE RESOURCES, INC.	:	CASE NO. C07-03635
	:	
Plaintiff,	:	Chief Judge Sandra B. Armstrong
	:	
v.	:	
	:	
WEST COAST MOBILE HARDWARE,	:	AFFIDAVIT OF DONALD J.
INC.	:	RAFFERTY
	:	
	:	
Defendant.	:	
	:	

County of Hamilton :
: ss
State of Ohio :

Donald J. Rafferty, being duly cautioned and sworn, deposes and states as follows:

1. I am a partner in the Cincinnati, Ohio law firm Cohen, Todd, Kite & Stanford, LLC. I am licensed to practice law in Ohio. I make this affidavit based on my own personal knowledge and belief.

2. I am counsel for Pride Industrial, LLC ("Pride") and Pacific Industries in a lawsuit filed by Hardware Resources, Inc. in the United States District Court for the Southern District of Ohio, case captioned, *Hardware Resources, Inc. v. Pride Industrial, LLC, et al.*, Case No. 1:07-CV-0244 (S.D. Ohio) (the "Ohio Case").

3. The Ohio Case was filed on March 27, 2007. Pride filed its initial Answer and Counterclaims in response to Hardware Resources' Complaint on April 16, 2007.

4. The Ohio Case has a scheduling order in place. A copy of the docket for the Ohio Case is attached hereto.

5. Discovery is already under way in the Ohio Case. Pride has provided written answers to interrogatories and has produced over 1,800 pages of documents to Hardware Resources.

FURTHER AFFIANT SAYETH NAUGHT.


Donald J. Rafferty

State of Ohio)
) :ss
County of Hamilton)

Sworn and subscribed to before me by Donald J. Rafferty on this 5th day of October, 2007.


Notary Public

DIANNE R. BLANTON
NOTARY PUBLIC, STATE OF OHIO
My Commission expires ~~12-14-09~~

CASREF, JURY

**U.S. District Court
Southern District of Ohio (Cincinnati)
CIVIL DOCKET FOR CASE #: 1:07-cv-00244-SSB-TSH**

Hardware Resources, Inc. v. Pride Industrial, LLC
Assigned to: Chief Judge Sandra S Beckwith
Referred to: Magistrate Judge Timothy S Hogan
Cause: 17:501 Copyright Infringement

Date Filed: 03/27/2007
Jury Demand: Plaintiff
Nature of Suit: 820 Copyright
Jurisdiction: Federal Question

Plaintiff

Hardware Resources, Inc.

represented by **Joel Robert Chambers**
Wood, Herron & Evans - 1
441 Vine Street
Cincinnati, OH 45202
513-241-2324
Fax: 513-241-2324
Email: bchambers@whepatent.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John Paul Davis
Wood Herron & Evans
2700 Carew Tower
441 Vine St
Cincinnati, OH 45202
513 241-2324
Email: jdavis@whepatent.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Alissa A. Digman
5400 LBJ Freeway
Suite 1200
Dallas, TX 75240
214/210-5940
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Email: alissa.digman@grspc.com
ATTORNEY TO BE NOTICED

George R. Schultz
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Dallas, TX 75240
214/210-5940
Fax: 214/210-5941
Email: russ.schultz@grspc.com
ATTORNEY TO BE NOTICED

V.

Defendant

Pride Industrial, LLC

represented by **Donald John Rafferty**
Cohen Todd Kite & Stanford - 1
250 E Fifth Street
Suite 1200
Cincinnati, OH 45202-4139
513-421-4020
Fax: 513-241-4495
Email: drafferty@ctks.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Jianguo Industries, Inc
doing business as
Pacific Industries

represented by **Donald John Rafferty**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Claimant

Pride Industrial, LLC

represented by **Donald John Rafferty**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Counter Defendant

Hardware Resources, Inc.

represented by **Joel Robert Chambers**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John Paul Davis
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Alissa A. Digman
(See above for address)
ATTORNEY TO BE NOTICED

George R. Schultz
(See above for address)
ATTORNEY TO BE NOTICED

Counter Claimant

Pride Industrial, LLC

represented by **Donald John Rafferty**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Claimant

Jianguo Industries, Inc

represented by **Donald John Rafferty**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Counter Defendant

Hardware Resources, Inc.

represented by **Joel Robert Chambers**
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Alissa A. Digman
(See above for address)
ATTORNEY TO BE NOTICED

George R. Schultz
(See above for address)

ATTORNEY TO BE NOTICED

V.

Counter Defendant**Pride Industrial, LLC**

represented by **Donald John Rafferty**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Defendant**Jianguo Industries, Inc**

represented by **Donald John Rafferty**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/27/2007	<u>1</u>	SUMMONS Returned Executed (Davis, John) (Entered: 03/27/2007)
03/27/2007	<u>2</u>	COMPLAINT with Jury Demand filed by Plaintiff Hardware Resources, Inc., against Defendant Pride Industrial, LLC. Exhibits A-Q have been filed manually and will be held in the Clerks Office File. Attachment(s) # <u>1</u> Civil Cover Sheet # <u>2</u> Receipt .(Filing fee \$ 350.)(mvl,) (Entered: 03/28/2007)
03/27/2007	<u>3</u>	Summons Issued as to Pride Industrial, LLC. (mvl,) (Entered: 03/28/2007)
03/27/2007	<u>4</u>	NOTICE by Clerk of Mailing Register of Copyrights to the Copyright Office in Washington D.C. (mvl,) (Entered: 03/28/2007)
03/27/2007		Filing fee: \$ 350, receipt number 433750 (mvl,) (Entered: 03/28/2007)
03/28/2007		If this case is referred, it will be to Magistrate Judge Hogan. (ph,) (Entered: 03/29/2007)
03/29/2007	<u>5</u>	ORDER REASSIGNING CASE. Case referred to the Clerk of Courts for reassignment. Judge Herman J. Weber no longer assigned to case. Signed by Judge Herman J. Weber on 3/29/07. (Case Reassigned to Judge Sandra S Beckwith for all further proceedings)(do,) (Entered: 03/29/2007)
03/30/2007		Set/Reset Deadlines: Pride Industrial, LLC answer due 4/16/2007. (tt1,) (Entered: 03/30/2007)
03/30/2007	<u>6</u>	GENERAL ORDER REFERRING CASE to Magistrate Judge Timothy S Hogan signed by Sandra S. Beckwith, Chief Judge. (tt1,) (Entered: 03/30/2007)
04/10/2007	<u>7</u>	MOTION for Leave to Appear Pro Hac Vice <i>for George R. Schultz</i> . Filing fee \$ 200. by Plaintiff Hardware Resources, Inc.. (Attachments: #

		<u>1</u> Certificate of Good Standing)(Chambers, Joel) (Entered: 04/10/2007)
04/10/2007	<u>8</u>	MOTION for Leave to Appear Pro Hac Vice by Alissa A. Digman on behalf of Plaintiff. (Attachments: # <u>1</u> Certificate of Good Standing) (Chambers, Joel) Modified on 4/12/2007 - To modify docket text (tt1,). (Entered: 04/10/2007)
04/10/2007		Filing fee: \$ 400, receipt number 433909 re <u>7</u> Motion for Leave to Appear and <u>8</u> Motion for Leave to Appear. (sfe1,) (Entered: 04/10/2007)
04/11/2007	<u>9</u>	ORDER granting <u>7</u> & <u>8</u> Motions for Leave for attys. Schultz & Digman to appear Pro Hac Vice as co-counsel for pltf. Signed by Judge Sandra S Beckwith on 4/11/07. (mb) (Entered: 04/11/2007)
04/16/2007	<u>10</u>	ANSWER to Complaint and COUNTERCLAIM against Hardware Resources, Inc. by Defendant Pride Industrial, LLC. No Jury Demand (Rafferty, Donald) Modified on 4/17/2007 - To modify docket text (tt1,). (Entered: 04/16/2007)
04/17/2007	<u>11</u>	NOTICE of Scheduling Conference set for Thursday, 5/17/2007 11:00 AM via telephone before Magistrate Judge Timothy S Hogan.(art,) (Entered: 04/17/2007)
04/26/2007	<u>12</u>	<i>Amended</i> ANSWER to Complaint and Amended COUNTERCLAIM by Defendant against Plaintiff. No Jury Demand (Rafferty, Donald) Modified on 4/30/2007 - To modify docket text (tt1,). (Entered: 04/26/2007)
05/09/2007	<u>13</u>	Corporate Disclosure Statement by Hardware Resources, Inc.. (Schultz, George) (Entered: 05/09/2007)
05/09/2007	<u>14</u>	Reply/Answer to <u>12</u> Counterclaim by Counter Defendant Hardware Resources, Inc.. No Jury Demand (Schultz, George) Modified on 5/10/2007 - To modify docket text (tt1,). (Entered: 05/09/2007)
05/10/2007	<u>15</u>	RULE 26(f) REPORT of the Parties. (Schultz, George) Modified on 5/11/2007 - To modify docket text (tt1,). (Entered: 05/10/2007)
05/17/2007	<u>16</u>	Minute Entry: Case called this date for scheduling conference (via telephone) before Magistrate Judge Timothy S Hogan. Counsel for plaintiff and defendant present. Case calendar established. Order of the Court to follow. Scheduling Conference held on 5/17/2007. (Court Reporter none present.) (art,) (Entered: 05/17/2007)
05/17/2007	<u>17</u>	CALENDAR ORDER: Deadline for leave to amend complaint deadline set for 1/16/2008; Plaintiff to identify and produce primary reports deadline set for 12/15/2007; Defendant to identify and produce primary reports deadline set for 3/1/2008; Notice of compliance with Rule 26 deadline set for 3/15/2008; Parties to exchange witness list and summary deadline set for 3/15/2008; Discovery deadline set for 4/15/2008; Dispositive motions deadline set for 6/15/2008; Final Pretrial Conference tentatively set for 10/2008 before Judge Sandra S Beckwith., Jury Trial tentatively set for 11/2008 before Judge Sandra S Beckwith. Signed by Magistrate Judge Timothy S Hogan on 5/17/2007. (art,) (Entered: 05/17/2007)

		05/17/2007)
05/25/2007	<u>18</u>	SCHEDULING ORDER: DDL: 4/15/08; Motions due: 6/15/08; Final Pretrial Conference set for 10/17/2008 at 10:00 AM; Trial set for 11/4/2008 at 01:00 PM. Signed by Judge Sandra S Beckwith on 5/25/07. (mb,) (Entered: 05/25/2007)
05/31/2007	<u>19</u>	Unopposed MOTION for Leave to File <i>First Amended Complaint</i> by Plaintiff. (Attachments: # <u>1</u> Exhibit A to Motion for Leave to File 1st Amended Complaint# <u>2</u> Exhibit A to First Amended Complaint# <u>3</u> Exhibit B to First Amended Complaint# <u>4</u> Exhibit C to First Amended Complaint# <u>5</u> Exhibit D to First Amended Complaint# <u>6</u> Exhibit Exhibit E to First Amended Complaint# <u>7</u> Exhibit F to First Amended Complaint# <u>8</u> Exhibit H to First Amended Complaint# <u>9</u> Exhibit H to First Amended Complaint# <u>10</u> Exhibit I-PP 1-2 to First Amended Complaint# <u>11</u> Exhibit I-P 3 to First Amended Complaint# <u>12</u> Exhibit I P 4 to First Amended Complaint# <u>13</u> Exhibit I P 5 to First Amended Complaint# <u>14</u> Exhibit J to First Amended Complaint# <u>15</u> Exhibit K to First Amended Complaint# <u>16</u> Exhibit L to First Amended Complaint# <u>17</u> Exhibit M PP 1-2 to First Amended Complaint# <u>18</u> Exhibit M P 3 to First Amended Complaint# <u>19</u> Exhibit M P 4 to First Amended Complaint# <u>20</u> Exhibit N PP 1-2 to First Amended Complaint# <u>21</u> Exhibit N P 3 to First Amended Complaint# <u>22</u> Exhibit N P 4 to First Amended Complaint# <u>23</u> Exhibit O PP 1-2 to First Amended Complaint# <u>24</u> Exhibit O P 3 to First Amended Complaint# <u>25</u> Exhibit O P 4 to First Amended Complaint# <u>26</u> Exhibit P to First Amended Complaint# <u>27</u> Exhibit Q PP 1-2 to First Amended Complaint# <u>28</u> Exhibit Q P 3 to First Amended Complaint# <u>29</u> Exhibit Q P 4 to First Amended Complaint# <u>30</u> Exhibit R PP 1-2 to First Amended Complaint# <u>31</u> Exhibit R P 3 to First Amended Complaint# <u>32</u> Exhibit R P 4 to First Amended Complaint) (Schultz, George) Modified on 6/1/2007 (tt1,). (Entered: 05/31/2007)
06/01/2007	<u>20</u>	ORDER granting plaintiff's unopposed <u>19</u> Motion for Leave to File first amended complaint. Plaintiff shall be granted leave to file its first amended complaint within (10) days from the date of this Order. Amended complaint due to be filed 6/11/2007. Signed by Magistrate Judge Timothy S Hogan on 6/1/2007. (art,) (Entered: 06/01/2007)
06/04/2007	<u>21</u>	AMENDED COMPLAINT filed by Plaintiff Hardware Resources, Inc., against Defendants Pride Industrial, LLC and Jianguo Industries Inc. No Jury Demand (Attachments: # <u>1</u> Exhibit A to Amended Complaint# <u>2</u> Exhibit B to Amended Complaint# <u>3</u> Exhibit C to Amended Complaint# <u>4</u> Exhibit D to Amended Complaint# <u>5</u> Exhibit Exhibit E to Amended Complaint# <u>6</u> Exhibit Exhibit F to Amended Complaint# <u>7</u> Exhibit G to Amended Complaint# <u>8</u> Exhibit H to Amended Complaint# <u>9</u> Exhibit I-pp. 1-2 to Amended Complaint# <u>10</u> Exhibit Exhibit I-p 3 to Amended Complaint# <u>11</u> Exhibit I-p 4 to Amended Complaint# <u>12</u> Exhibit I-p 5 to Amended Complaint# <u>13</u> Exhibit K to Amended Complaint# <u>14</u> Exhibit K to Amended Complaint# <u>15</u> Exhibit L to Amended Complaint# <u>16</u> Exhibit M-pp 1-2 to Amended Complaint# <u>17</u> Exhibit M-p 3 to Amended Complaint# <u>18</u> Exhibit M-p 4 to Amended Complaint# <u>19</u> Exhibit N-pp

		1-2 to Amended Complaint# 20 Exhibit N-p 3 to Amended Complaint# 21 Exhibit N-p 4 to Amended Complaint# 22 Exhibit O-pp 1-2 to Amended Complaint# 23 Exhibit O-p 3 to Amended Complaint# 24 Exhibit O-p 4 to Amended Complaint# 25 Exhibit P to Amended Complaint# 26 Exhibit Q-pp 1-2 to Amended Complaint# 27 Exhibit Q-p 3 to Amended Complaint# 28 Exhibit Q-p 4 to Amended Complaint# 29 Exhibit R-pp 1-2 to Amended Complaint# 30 Exhibit R-p 3 to Amended Complaint# 31 Exhibit R-p 4 to Amended Complaint) (Schultz, George) Modified on 6/5/2007 - To modify docket text (tt1,). (Entered: 06/04/2007)
06/04/2007	<u>22</u>	Summons Issued as to Jianguo Industries, Inc. (tt1,) (Entered: 06/04/2007)
06/19/2007	<u>23</u>	SUMMONS Returned Executed by Plaintiff. Defendant Jianguo Industries, Inc served on 6/6/2007. Answer due 6/26/2007. (Davis, John) Modified on 6/20/2007 - To modify docket text (tt1,). (Entered: 06/19/2007)
06/22/2007	<u>24</u>	Unopposed MOTION for Leave to File <i>Second Amended Complaint</i> by Plaintiff. (Attachments: # <u>1</u> Exhibit A to Motion for Leave to File 2nd Amended Complaint# <u>2</u> Exhibit A to Second Amended Complaint# <u>3</u> Exhibit B to Second Amended Complaint# <u>4</u> Exhibit C to 2nd Amended Complaint# <u>5</u> Exhibit D to 2nd Amended Complaint# <u>6</u> Exhibit E to 2nd Amended Complaint# <u>7</u> Exhibit F to 2nd Amended Complaint# <u>8</u> Exhibit Exhibit G to 2nd Amended Complaint# <u>9</u> Exhibit Exhibit H to 2nd Amended Complaint# <u>10</u> Exhibit I-pp. 1-2 to 2nd Amended Complaint# <u>11</u> Exhibit I-p. 3 to 2nd Amended Complaint# <u>12</u> Exhibit I-p. 4 to 2nd Amended Complaint# <u>13</u> Exhibit I-p. 5 to 2nd Amended Complaint# <u>14</u> Exhibit J to 2nd Amended Complaint# <u>15</u> Exhibit K to 2nd Amended Complaint# <u>16</u> Exhibit L to 2nd Amended Complaint# <u>17</u> Exhibit M-pp. 1-2 to 2nd Amended Complaint# <u>18</u> Exhibit M-p. 3 to 2nd Amended Complaint# <u>19</u> Exhibit M-p. 4 to 2nd Amended Complaint# <u>20</u> Exhibit N-pp. 1-2 to 2nd Amended Complaint# <u>21</u> Exhibit N-p. 3 to 2nd Amended Complaint# <u>22</u> Exhibit N-p. 4 to 2nd Amended Complaint# <u>23</u> Exhibit O-pp. -1-2 to 2nd Amended Complaint# <u>24</u> Exhibit O-p. 3 to 2nd Amended Complaint# <u>25</u> Exhibit O-p. 4 to 2nd Amended Complaint# <u>26</u> Exhibit P to 2nd Amended Complaint# <u>27</u> Exhibit Q-pp. 1-2 to 2nd Amended Complaint# <u>28</u> Exhibit Q-p. 3 to 2nd Amended Complaint# <u>29</u> Exhibit Q-p. 4 to 2nd Amended Complaint# <u>30</u> Exhibit R-pp. 1-2 to 2nd Amended Complaint# <u>31</u> Exhibit R-p. 3 to 2nd Amended Complaint# <u>32</u> Exhibit R-p. 4 to 2nd Amended Complaint) (Schultz, George) Modified on 6/25/2007 (tt1,). (Entered: 06/22/2007)
06/26/2007	<u>25</u>	ORDER granting plaintiff's unopposed 24 Motion for Leave to File second amended complaint. Plaintiff shall be granted leave to file its second amended complaint within (10) days from the date of this Order. Due date set for 7/9/2007. Signed by Magistrate Judge Timothy S Hogan on 6/25/2007. (art,) (Entered: 06/26/2007)
06/26/2007	<u>26</u>	SECOND AMENDED COMPLAINT With Jury Demand filed by Plaintiff Hardware Resources, Inc., against Defendants Pride Industrial,

		LLC, and Jianguo Industries, Inc. (Attachments: # <u>1</u> Exhibit A to Second Amended Complaint# <u>2</u> Exhibit B to Second Amended Complaint# <u>3</u> Errata C to Second Amended Complaint# <u>4</u> Exhibit D to Second Amended Complaint# <u>5</u> Exhibit E to Second Amended Complaint# <u>6</u> Exhibit F to Second Amended Complaint# <u>7</u> Exhibit G to Second Amended Complaint# <u>8</u> Exhibit H to Second Amended Complaint# <u>9</u> Exhibit I-pp. 1-2 to Second Amended Complaint# <u>10</u> Exhibit I-p. 3 to Second Amended Complaint# <u>11</u> Exhibit I-p. 4 to Second Amended Complaint# <u>12</u> Exhibit I-p. 5 to Second Amended Complaint# <u>13</u> Exhibit J to Second Amended Complaint# <u>14</u> Exhibit K to Second Amended Complaint# <u>15</u> Exhibit L to Second Amended Complaint# <u>16</u> Exhibit M-pp. 1-2 to Second Amended Complaint# <u>17</u> Exhibit M-p. 3 to Second Amended Complaint# <u>18</u> Exhibit M-p. 4 to Second Amended Complaint# <u>19</u> Exhibit N-p. 1-2 to Second Amended Complaint# <u>20</u> Exhibit N- p. 3 to Second Amended Complaint# <u>21</u> Exhibit N-p. 4 to Second Amended Complaint# <u>22</u> Exhibit O-p. 1-2 to Second Amended Complaint# <u>23</u> Exhibit O-p. 3 to Second Amended Complaint# <u>24</u> Exhibit O-p. 4 to Second Amended Complaint# <u>25</u> Exhibit P to Second Amended Complaint# <u>26</u> Exhibit Q-p. 1-2 to Second Amended Complaint# <u>27</u> Exhibit Q-p. 3 to Second Amended Complaint# <u>28</u> Exhibit Q-p. 4 to Second Amended Complaint# <u>29</u> Exhibit R-pp 1-2 to Second Amended Complaint# <u>30</u> Exhibit R-p. 3 to Second Amended Complaint# <u>31</u> Exhibit R-p. 4 to Second Amended Complaint) (Schultz, George) Modified on 6/27/2007 - To modify docket text (tt1,). (Entered: 06/26/2007)
07/26/2007	<u>27</u>	<i>Defendants</i> ANSWER to Amended Complaint, COUNTERCLAIM against Hardware Resources, Inc. by Defendants Pride Industrial, LLC, Jianguo Industries, Inc, Plaintiff Hardware Resources, Inc.. (Rafferty, Donald) (Entered: 07/26/2007)
08/07/2007	<u>28</u>	NOTICE of Informal Discovery Conference set for Wednesday, 8/22/2007 11:00 AM via telephone before Magistrate Judge Timothy S Hogan. (art,) (Entered: 08/07/2007)
08/08/2007	<u>29</u>	Joint MOTION for Protective Order by Plaintiff Hardware Resources, Inc.. (Schultz, George) (Entered: 08/08/2007)
08/09/2007	<u>30</u>	JOINT PROTECTIVE ORDER. Signed by Magistrate Judge Timothy S Hogan on 8/8/2007. (art,) (Entered: 08/09/2007)
08/20/2007	<u>31</u>	<i>Plaintiff's</i> ANSWER to Counterclaim to <i>Plaintiff's</i> Second Amended Complaint, COUNTERCLAIM against Pride Industrial, LLC, Jianguo Industries, Inc by Plaintiff Hardware Resources, Inc., Defendants Pride Industrial, LLC, Jianguo Industries, Inc. (Schultz, George) (Entered: 08/20/2007)

PACER Service Center
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PACER Login:	ct0086	Client Code:	
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